

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed July 19, 2005. Claims 1 and 41 were rejected.

Claims 1-68 were originally presented. Claims 34-40 were previously cancelled. Claims 2-33 and 42-68 are withdrawn from consideration. It is noted that upon allowance of a generic claim, Applicant is entitled to consideration of claims to additional species.

Claim Rejections - 35 U.S.C. § 102

Claims 1 and 41, both independent claims, were rejected under 35 U.S.C. § 102(b) as being anticipated by Busch-Vishniac et al. (US 4,429,193) (hereinafter "Busch").

The Office Action states that Busch discloses a speaker device comprised of a rigid emitter plate (90 and 94) having an outer face oriented outward (the top of 90 toward 98) and an inner face (96 facing 94), said emitter plate having a plurality of apertures extending between the outer and inner faces; a thin piezoelectric film (92) disposed across the apertures of the emitter plate.

Claims 1 and 41 have been amended to clarify that the thin film at the apertures in claims 1 and 41 is distended at each of the plurality of apertures into an arcuate emitter configuration. Support for this amendment can be found throughout the specification and drawings, and specifically at page 12, line 20 of the specification. The arcuate distention of each emitter can also be seen in FIGS. 4a and 4b.

Busch does not teach a thin film that is distended at each of the plurality of apertures into an arcuate emitter configuration. Busch shows in FIG. 8 a foil electret supported by a plurality of columns. The foil electret does not distend between the columns. Rather, the electret is substantially flat over the supports, as shown in FIGS. 8 and 9.

Independent claim 41 is substantially similar to claim 1 and the same arguments that apply for claim 1 also apply for claim 41. Further, Busch does not disclose a positive biasing pressure, as claimed in claim 41.

Therefore, Applicant respectfully submits that claims 1 and 41 are allowable, and urges the Examiner to withdraw the rejection.

CONCLUSION

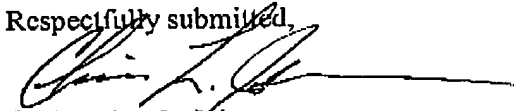
In light of the above, Applicant respectfully submits that pending claims 1 and 41 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Steve Perry at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Please charge deposit account no. 20-0100 in the amount of \$395.00 pursuant to 37 C.F.R. § 1.17(e). No claims were added. Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 19th day of October, 2005.

Respectfully submitted,



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